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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION SIX

THE PEOPLE,

Plaintiff and Respondent,

v.

GREGORY TYSON VANCIL,

Defendant and Appellant.

2d Crim. No. B290112
(Super. Ct. No. 16F-03883)
(San Luis Obispo County)

Gregory Tyson Vancil pled guilty to manufacturing honey oil (Health & Saf. Code, § 11379.6, subd. (a)), possession of counterfeiting materials (Pen. Code, § 480), cultivating marijuana (Health & Saf. Code, § 11358), and possession of a controlled substance with a firearm. (Health & Saf. Code, § 11370.1, subd. (a).) The trial court sentenced appellant to a total of nine years in state prison.

Appellant was on bail in another felony case when deputy sheriffs conducted a warrantless search of his residence, discovering the physical evidence that forms the basis for his current convictions. He moved to suppress that evidence on the

ground that the trial court in the prior matter lacked authority to impose a search condition as a condition of bail. Appellant contends the trial court erred when it denied the motion. We affirm.

Facts

In 2013, appellant was arrested for possession of methamphetamine and heroin, possession of metal knuckles and resisting an executive officer. (San Luis Obispo Co. Sup. Court case no. F498792.) During the vehicle stop that preceded his arrest, appellant scuffled with a sheriff's deputy who was attempting to pat him down for weapons. The deputy suffered a broken bone in his hand while subduing appellant. Appellant eventually pleaded no contest to possession of the metal knuckles and a misdemeanor count of resisting a police officer. We affirmed his conviction in an unpublished opinion. (*People v. Vancil* (May 21, 2019, B290110 [nonpub. opn.])

After his initial arrest in that matter, appellant was released from custody on bail. In June 2014, a bench warrant was issued for his arrest because he failed to appear at a scheduled hearing. Appellant appeared in court later that same day, the warrant was recalled and he was again released on bail. One of the conditions of his bail was that he submit to the warrantless search by law enforcement of his person or residence, with or without probable cause.

The next day, sheriff deputies conducted a warrantless search of the recreational vehicle in which appellant had been living. Evidence discovered during that search formed the basis for the charges at issue here. Appellant moved to suppress the evidence on the ground that the trial court in the

first matter lacked statutory authority to impose the search condition as a condition of his release on bail.

Discussion

Appellant's opening brief raises a single issue: whether the trial court in his prior case, case no. F498792, had statutory authority to impose the search condition as a condition of his release on bail. He contends that neither the California Constitution (Cal. Const. art., 1, § 12) nor the Penal Code authorize the trial court to impose a search condition where, as here, the defendant has not been released on his or her own recognizance (Pen. Code, § 1318), is not charged with a misdemeanor (Pen. Code, § 1270), and has not requested a reduction in the amount of bail. (Pen. Code, § 1269c.)

Our Supreme Court recently rejected this contention in *In re Webb* (2019) 7 Cal.5th 270. It held instead that, "trial courts have authority to impose reasonable conditions related to public safety on persons released on bail." (*Id.* at p. 278.)

Here, appellant was released on bail while facing felony charges relating to the possession of a weapon and of illegal drugs. He was also accused of having had a violent confrontation with a deputy sheriff. A bail condition designed to assist law enforcement in monitoring whether appellant continued to possess weapons or illegal drugs is reasonably related to public safety. The imposition of the search condition here was valid and the trial court correctly denied appellant's motion to suppress.

Disposition

The judgment is affirmed.

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YEGAN, J.

We concur:

GILBERT, P. J.

PERREN, J.

Jacquelyn H. Duffy, Judge

Superior Court County of San Luis Obispo

Jolene Larimore, under appointment by the Court of
Appeal for Defendant and Appellant.

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